

Application No: 10/623,933  
Filed: July 21, 2003  
Applicant: James C. Smith

EB 126592285 US

**REMARKS**

The 5 page fax including the Interview Summary regarding the telephonic conference of December 11, 2007 between Examiner James N. Smalley, Supervisor Anthony D. Stashich and the applicant has been received and considered. Claims 18 and 20-21 had been rejected under 35 U.S.C. § 102(b) as being anticipated by Carluccio US 4,390,298. Claims 18-23 and 47-58 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith US 5,513,768, in view of Carluccio US 4,390,298 in view of Leopardi et. al. US 5,514,339.

The Examiner and the applicant have agreed to the amendments to independent claims 18 and 47 which will define the invention over the prior art of record. No new matter has been introduced. Reconsideration of the application as amended is respectfully requested.

## **Conclusion**

In light of the above amendments and remarks, the applicant respectfully requests that the examiner reconsider this application with a view towards allowance. It is believed that all claims now pending recite novel and non-obvious structure and patentable define the subject invention over the cited art of record and are in a condition of allowance. Claims 19-23 and claims 48-58 depends from independent claims 18 and 47 which are believed to be in a condition for allowance. Therefore, it is respectfully submitted that these dependent claims are patentable distinguish over the cited art for at least the same reasons. Furthermore, claims 19-23 and 48-58 introduce patentable distinguishing recitations of their own and are believed to overcome the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections and define the invention in a patentable manner over the cited prior art. For all the above stated reasons, applicant submits claims 18-23 and 47-58 are all in a condition of allowance. Allowance of these claims is respectfully solicited.

Reconsideration and withdrawal of the rejections and objections is requested. If the examiner believes a telephone conference would expedite this application, please telephone the applicant at (925)-846-8256.

### Conditional Request for Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure, which is unobvious. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

 12-14-2007

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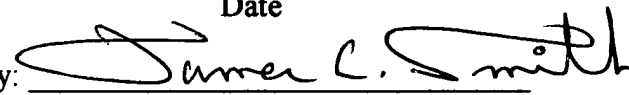
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